

455B.602 Definitions.

As used in this division:

1. “*Action level*” means action level as provided in 567 IAC ch. 133 or 137.
2. “*Active site cleanup*” means treating, dispersing, removing, or disposing of contamination located in soil or water, including, but not limited to, excavating soil or installing institutional or technological controls to water quality.
3. “*Background levels*” means concentrations of a contaminant generally present in the environment in the vicinity of a site or an affected area and not the result of release.
4. “*Contaminated site*” means a site upon which contamination has been discovered.
5. “*Contamination*” means the presence of one or more pesticides, as defined in section 206.2, or the presence of fertilizer, as defined in section 200.3, in soil or groundwater at levels above those that would result at normal field application rates or above background levels.
6. “*Passive site cleanup*” means the removal or treatment of a contaminant in soil or water through management practices or the construction of barriers, trenches, and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay, and chemical or biological decomposition.
7. “*Remediation*” means a process used to protect the public health and safety or the environment from contamination, including by doing all of the following:
 - a. Controlling, containing, or stabilizing the effects caused by a prohibited release.
 - b. Investigating, identifying, or analyzing a contaminant or a contamination source; collecting samples, including soil and water samples; assessing the condition of a site; monitoring a contaminated site; providing for structural testing; or providing for engineering services.
 - c. Providing for site cleanup.
8. a. “*Responsible person*” means a person who is legally liable for the contamination or who is legally responsible for abating contamination under any applicable law, including this chapter, chapter 455E, and the common law. This may include a person causing, allowing, or otherwise participating in the activities or events which cause the contamination, persons who have failed to conduct their activities so as to prevent the release of contaminants into groundwater, persons who are obligated to abate a condition, or persons responsible for or a successor to such persons.
 - b. “*Responsible person*” does not include a person who caused contamination by acting in a manner unauthorized by the owner of the pesticide or fertilizer, including a person who trespasses upon a site.
9. “*Site cleanup*” means measures used to contain, reduce, or eliminate contamination present at a site including by using active site cleanup or passive site cleanup measures, or complying with a correction action required or recommended by the department of natural resources or the United States environmental protection agency.

2000 Acts, ch 1184, §14; 2010 Acts, ch 1061, §59

Subsection 8, paragraph a amended